

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Tuesday, March 24, 2020
7 p.m.
Gardner City Hall
120 E. Main Street

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:05 p.m. on Tuesday, March 24, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Ryan Denk, City Attorney (via phone)

There were three members of the public in attendance.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on February 25, 2020.**

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

1. **BRECKENWOOD CREEK**

Located approximately 0.4 miles north of 175th Street, along Kill Creek Road

- a. **Z-20-04:** Hold a public hearing and consider a rezoning of approximately 38.6 acres from R-1 District to R-2 District.

- b. **PP-20-03:** Consider a preliminary plat for a 38.6 acre, 131 lot single-family residential development.

Ms. Kelly Drake Woodward, Chief Planner, presented an application on the rezoning prior to a public hearing and discussion, followed by her presentation on the preliminary plat of the same property. The rezoning application was to rezone from the R-1 Single-Family Residential District to R-2 Two-Family Residential District. It was accompanied by a preliminary plat that was intended for the Detached House – Neighborhood building type, or single-family homes on smaller lots (generally a minimum of 50' wide and 6,000). The property includes 38.6 acres of land located approximately 0.4 miles north of 175th Street along Kill Creek Road, north of the Gardner Municipal Airport, adjacent to St. John's Highlands II subdivision. Four streets terminate at the property boundary, including two collector streets (Madison St and Kill Creek Rd), and two local streets (W. 172nd St and W. 173rd St). The site was annexed on September 5, 2000, was rezoned several times, but has remained undeveloped. The subject parcel has been designated for single-family as part of a 141 acre planned district to include a mix of housing densities and nonresidential development.

North of the subject property is a parcel that retains County Rural Agriculture zoning and a vacant agricultural property zoned R-1. R-1 zoning abuts the east, west, and portion of the south boundaries. Other adjacent zoning districts include RP-2 and RP-3. The area has long been envisioned for a mix of residential housing densities and nonresidential uses.

Adjacent land uses to the north are undeveloped agriculture properties with a preliminary plat approved for Hilltop Ridge single-family development (northwest of subject parcel), which will include an extension of W Madison Street along the boundary with St. John's Trace. The property is surrounded by single-family subdivisions to the west, east, and a portion of the southern boundaries. The City received an application to the south for a combination of duplex and quad multi-family homes, adjacent to the Prairiebrooke Duplexes. The Madison Street connection across the waterway will provide existing neighborhoods, and this development, with a second, more-direct route to the Gardner Edgerton High School. The Kill Creek connection will extend to the properties to the north eventually connecting from 175th up to Celebration Park at 159th Street.

Infrastructure for all utility connections is available. This development will allow greater resilience through looped water and sanitary sewer lines instead of dead-ends. Customary utility easements are being provided with this plat, except that the utility easement will be in front of lots 19-54. This allows the preservation of the natural tree line on the north property boundary, and creates a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street. As requested by the Fire District, the paved cul-de-sacs will be of a larger radius within the typical right-of-way radius, and sidewalks will be accommodated in easements around the cul-de-sac.

The new road network will include sidewalks on both sides of the roads and the new trails/greenways create a natural amenity for these neighborhoods as well as a new non-motorized connection between Kill Creek Rd and Madison St. It will connect with the Kill Creek Trail. The roads and trails are all consistent with the Comprehensive Plan. Additionally, the proposed plat preserves the greenway corridor that follows Kill Creek and serves as natural flood mitigation infrastructure and ecological corridors as provided in the Environmental Features Plan of the Comprehensive Plan.

This plan also supports many housing goals of the Comprehensive Plan including housing variety to support ongoing investment, attract new residents, respond to a variety of needs, and help all income levels move toward home ownership. It also encourages the development of housing to allow seniors to age in place, promotes infill in incomplete subdivisions, and provides housing within close proximity to schools and parks. The application is consistent with the low-density residential future land use described as including detached single-family homes and duplexes or triplexes in low-density formats. The LDC translates Low-Density Residential future land use into three possible zoning districts plus the planned districts that would go with them, being RE, R-1 and R-2. The parcel is also located in the New Growth Area of the Residential Area Plan which is intended to provide opportunities to:

- Contribute to and enforce the City's existing character and identity – the lots in the associated plat are designed for smaller scale homes than existing homes, but of similar character;
- Ensure new development meets the requirements in the *LDC*– this development is designed to meet all standards for the Detached House – Neighborhood building type and Neighborhood Yard frontage type;
- Ensure the character of new residential areas are compatible with existing neighborhoods and reflect the intended character of Gardner in terms of block size and configuration, housing scale and architecture, and design of the public realm; and
- Work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow residents to “downsize” and stay in the neighborhood or subdivision.

Other staff findings are the plan has block patterns consistent with existing development, and achieves the code intent to minimize the number of lots accessing collector streets. The potential uses of the R-2 District are compatible with adjacent uses and zoning districts. The two additional building types are subject to design standards that promote better neighborhood character and a pedestrian-friendly environment. The application provides for infill development of a key but challenging parcel, and addresses changing population needs by offering smaller lot residential as a means for affordable housing for the expanding job market around the City. Staff recommends approval of this application.

Mr. Todd Allenbrand, Payne and Brockway, thanked staff, Commissioners, and the City for helping on this project as the developers were anxious to get it started. He said they were in agreement with staff and were available to answer questions.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by McNeer, seconded by Ford.

Motion passed, 7-0.

COMMISSION DISCUSSION

Commissioners Ford and McNeer both commented on the plan and said they thought the developers did a good job of utilizing the space.

Motion made after review of Application Z-20-04, a Zoning Map Amendment for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

Ms. Woodward continued with a presentation on **PP-20-03**, a preliminary plat for Breckenwood Creek. The Subdivision Standards of the LDC provide limits to block and cul-de-sac length. The proposed preliminary plat indicates cul-de-sac lengths consistent with plans approved under the former code, but which are longer than current standards allow. However, the LDC provides exceptions to block and connectivity standards. On the eastern cul-de-sac, blocks abutting or containing important natural features or otherwise creating parts of the Civic Space system may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community. This layout preserves the floodplain area and provides a mid-block connection to the trail through the natural area. The western cul-de-sac is constrained by existing residential development to the south which would not accommodate an additional local road to break up this block. An additional north-south road connection is not necessary this close to collectors (Kill Creek Road and Madison Street). Instead, the applicant has provided a mid-block pedestrian connection to the north on this cul-de-sac to facilitate easier pedestrian access to Madison Street in the future. Even with the exceptions, this proposed preliminary plat meets the intent for street networks to:

- Provide for efficient and safe movement of all potential users of the streets;
- Use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets; and
- Increase connectivity and improve options for access in the community.

The Fire District has offered support of these exceptions provided that the cul-de-sac width is increased. This request will be accommodated within the typical right-of-way width by providing pedestrian easements on private property for sidewalks around the cul-de-sacs.

Staff finds this infill development will promote future development on adjacent property and benefit existing development with new roads, trails, pedestrian and utility connections that provide more direct access to the high school to spread the traffic load along multiple routes. The development prototypes shown on the application indicate that all development and site design standards will be met, including the design intent to provide less prominent garages and decreased front pavement areas. The development will utilize shared driveways and side-access or setback garages. Approval of this plat with its conditions is recommended.

Mr. Allenbrand of Payne and Brockway stated the applicant was in agreement with staff and was available to answer questions from the Commission.

Commissioner Meder asked if, as stated, the construction on Madison St would be done as early in the phasing as possible, why was it slated for Phase III on the plans? She wanted to know the process of why it was not included in Phase I.

Mr. Allenbrand replied they were working with the City to change that and were looking into some alternatives and it could be changed by the final plat submittal. The cost for constructing Madison St. alone was very high considering the small amount of street but it is because of the needed box culvert. They were still working with City staff and legal to determine a route to go.

COMMISSION DISCUSSION

No discussion ensued.

Motion made after review of Application PP-20-03, a Preliminary Plat for parcel CF221422-2007 located approximately 0.4 miles north of 175th Street along Kill Creek Road, and Preliminary Plat dated February 7, 2020 (per revisions received March 16, 2020), and staff report dated March 24, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Rezoning Z-20-04 is approved by the Governing Body;**
- 2. Lot 58 will be revised on the final plat to meet the minimum lot area requirement;**
- 3. Approval of the required Level 2 Transportation Impact Study by the City of Gardner Public Works Department.**

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

2. PRAIRIE TRACE

Located southeast corner of W 175th Street and Interstate 35

- a. **Z-20-03:** Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 and PEC3 Districts to City of Gardner District C-3.
- b. **Z-20-02:** Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 and PEC3 Districts to City of Gardner District R-3.
- c. **Z-20-01(PDP-20-01):** Hold a public hearing and consider a rezoning of approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace.
- d. **PP-20-01:** Consider a preliminary plat 356 single-family lots for Prairie Trace.

Ms. Michelle Leininger, Principal Planner, began the presentation with a summary of the project that includes three rezoning applications for a proposed development adjacent to the I-35 and 175th Street interchange. The project features commercial, multi-family, and single-family land uses and a total of four proposed zoning districts. Two of the proposed zoning districts are regular zoning districts (not planned districts) and include the C-3 (Heavy Commercial) and R-3 (Garden Apartment) Districts. Two of the proposed zoning districts are planned districts and include the RP-1 (Planned Single-Family Residential) and RP-2 (Planned Two-Family Residential) Districts.

Application **Z-20-03** is a request to rezone a portion of two parcels from County zoning designations to a City commercial zoning designation. The location of the property is just southeast of the I-35 and 175th Street interchange and abuts Clare Road on the east. They

were annexed into the City last September and are currently unimproved agricultural use. The existing infrastructure includes Evergy overhead electric lines along the entire south property border and a portion of the north border and overhead electric primary lines on the adjacent parcel to the west. A City of Gardner gas line runs along the west property boundary and a Southern Star gas pipeline running through the central portion of the property and has been a major obstacle for the applicant. There is also a no-build 66' easement around this pipeline. The request is to rezone from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner C-3 (Heavy Commercial) District. Since this request is not to rezone to a planned district, no formal development plan has been submitted with the application. The plans are conceptual. This development will be served by new arterial and collector streets that provide access to 175th Street and Clare Road, and continue south paralleling the interstate.

Because the property is located within 1 mile of the New Century AirCenter, plans will be reviewed by the Airport Commission and Johnson County Board of Commissioners. Kansas Statutes give the county statutory authority to adopt zoning and land use regulations within a one mile radius of the airport. The AirCenter has adopted a modified review area called the "Airport Interest Area" that shows recommended future land uses and their impact to airport facilities. This parcel lies within the boundaries of both and is therefore subject to their reviews. There is a flight corridor that will impact future development on the west 125' of this property. These corridors are intended to be reserved for open spaces or compatible non-residential uses without concentrations of people. The two primary concerns for the County are noise impacts of aircraft operations and operationally safe approaches that protect the public. The application will be presented to the Johnson County Airport Commission and County Commission for approval after the City's review.

The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan. The north and west sides of the property are designated for Regional Commercial, with Commercial and Light Industrial and Heavy Commercial and Industrial in the central and south areas of the property. There are also some smaller areas of Parks/Recreation and Open Space. The C-3 (Heavy Commercial) zoning district is one of three zoning districts that the *Land Development Code* identifies as typically associated with the Regional Commercial future land use; the other applicable districts are the C-2 (General Business) and M-1 (Restricted Industrial) districts. Other options include planned districts and the Activity Center Planned District that could be applicable to this area.

Staff finds the proposed rezoning consistent with the Comprehensive Plan and the *I-35 and 175th Street Interchange Subarea Plan*. The street network generally matches the concepts in the subarea plan and the project incorporates good planning in concentrating commercial opportunities near regional transportation routes. The extended utilities for this development will help future development in the area. This rezoning supports goals of the Strategic Plan to annex land that can be developed for commercial opportunities and diversify the tax base. Staff recommends approval with conditions.

Mr. Travis Schram, Grata Development and applicant, spoke via video conferencing to present the project. The primary item he wanted to stress was he had numerous conversations with the County for their thoughts on what was required to comply with the needs of the airport. He felt everyone would be in agreement on the preliminary plan he

would be submitting. He then reserved additional comments for the other applications being presented.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by McNeer and seconded by Hansen.

Motion passed, 7-0.

COMMISSION DISCUSSION

The Planning Commission had no questions nor comments.

Motion made after review of Application Z-20-03, a Zoning Map Amendment for portions of parcels 2F231429-3001 and 2F231429-1001 located southwest of the intersection of W. 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

- 1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.**
- 2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.**
- 3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.**
- 4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.**

Motion made by Simmons-Lee and seconded by Ford.

Motion passed 7-0.

Ms. Leininger continued with a presentation on **Z-20-02**, an application for the multi-family portion of the proposed commercial/residential development for Prairie Trace. This is for a standard base zoning district so the next step would be either a site plan or to rezone to a planned district. This request is to rezone from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner R-3 (Garden Apartment) District. The parcel is bounded by 175th Street on the north and Clare Road on the east. The character of the neighborhood is currently rural and is a key development area for the Gardner community. The future flight corridor that goes through the middle of this development has been abandoned but Flight Corridor C that encompasses 125' on the west side will impact future development. Johnson County Planning staff and Airport staff have done a preliminary review of this application and submitted comments. Their issue with development too close to the flight path is to protect it from congregations of people and birds.

The future land use map of the New Century AirCenter (NCAC) Comprehensive Compatibility Plan serves as a recommendation for compatible uses and land use restrictions within the Airport Interest Area. Future land uses for the subject property include Airport Industrial Park for the majority of the parcel and General Commercial on the northeast portion. The County is concerned with locating buildings away from the flight corridor, maximizing open space and having no permanent water features or drainage near the flight corridor which can encourage concentrations of birds that could interfere with aircraft. They also are concerned with the gross density and configuration of residential development. County staff recommends that the maximum density of multi-family residential be 12.5 units per acre of gross land area for the R-3 zoning but the Gardner LDC and the anticipated building type of Garden Apartment minimum lot size is 1,500 sf per dwelling unit. This means 29 dwelling units could be developed on one gross acre provided the units are stacked to meet the 40% building coverage maximum footprint. This is a significant difference in development rights conferred by City and County recommendations/regulations. The reduced density may/may not meet the needs or expectations of the developer, but that will be addressed with the County review following City action.

The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was a guide for the future land use plan as shown on the slide. Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Although this request is not consistent with the future land use map of the Comprehensive Plan, it does provide opportunity to support some housing goals of the Comprehensive Plan such as promoting housing diversity to support the housing needs of various residents.

Staff finds the proposed street network generally matches the subarea plan, and the development is consistent with the goals of the Comprehensive Plan and the intent of the R-3 District. It is also consistent with the City of Gardner Strategic Plan. Staff recommends approval of this rezoning with conditions to address County concerns regarding New Century AirCenter operations.

Mr. Travis Schram, Grata Development and applicant, stated his comments were similar to the previous rezoning application. His work with the Airport Authority has made him confident they were going to get a plan together by limiting the buildings to 12.5 units per acre and provide the requested buffering from the west property line to stay out of the flight corridor.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by Hansen and seconded by McNeer.

Motion passed 7-0.

COMMISSION DISCUSSION

The Planning Commission had no questions nor comments.

Motion made after review of Application Z-20-02, a Zoning Map Amendment for a portion of parcel 2F231429-1001 located southwest of the intersection of 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

- 1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.**
- 2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.**
- 3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.**
- 4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.**

Motion made by McNeer and seconded by Meder.

Motion passed 7-0.

Mr. Larry Powell, Director of Business & Economic Development, presented **Z-20-01 (PDP-20-01)**, a rezoning and preliminary development plan for Prairie Trace. The parcel is currently zoned County RUR (Rural residential), PRB2 (Planned Neighborhood Retail Business), and PEC3 (Planned light industrial) and is proposed for Planned single-family and two-family residential with a development plan identifying single-family building types. He gave an overview of the history of the site, existing utilities and its consistency with the Comprehensive Plan. Staff finds the proposed zoning and potential uses are consistent with nearby properties but the property is not suitable for the current zoning as it holds County zoning within the City. This rezoning will not detrimentally affect nearby property. No development could occur without a rezoning. The requested zoning is consistent with various goals and policies of the Comprehensive Plan and the project will require the expansion of utilities to the east side of the interstate which will support more development.

The preliminary development plan contains the Estates on 94 acres with 194 lots and the Meadows on 42 acres with 162 lots. This includes 20 acres of greenway/trail and open area. New Trails Parkway will be constructed as part of Phase 1 of the Meadows from 175th Street to around the first curve to where the street turns south. Also in Phase 1, 178th Street will be constructed past Houston Street. Staff finds the plan reflects generally accepted planning and urban design principles, and supports various goals and policies of the Comprehensive Plan. The benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the area for future development.

Mr. Powell explained the proposed deviations by stating the standards, the applicant's proposal to each deviation and the staff comment for each. These are summarized below:

1. Section 17.04.010(C.3) Typical Cross Sections – Local Neighborhood street
Standard: 5' sidewalk on both sides of the street
Proposed: 5' sidewalks on one side of the street or adjacent to a trail
Staff Comment: Staff felt this proposal met the intent of pedestrian connectivity and supported this deviation.
2. Section 17.07.020 Table 7-2 Detached House-Suburban; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House-Suburban; Minimum Rear Setback (Estates)
Standard: 25'
Proposed: 20" adjacent to open space
Staff Comment: Staff supported this deviation on all Estate lots except Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 which shall meet the 25' rear yard setback minimum.
3. Section 17.07.020 Table 7-2 Detached House-Suburban; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House- Suburban; Building Coverage (Estates)
Standard: 30%
Proposed: 40% adjacent to open space
Staff Comment: Staff supported this deviation on all Estate lots except Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 which shall meet the 30% building coverage maximum.
4. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width (Estates)
Standard: 15%; 20' max
Proposed: 30%; 20' max
Staff Comment: The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area from the pavement, less heat from the pavement and a more inviting space. The access and hardscape allocations are calculations the go together to help create an inviting public realm. Staff recommended the Planning Commission discuss this deviation.
5. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation (Estates)
Standard: 5%-20%
Staff Comment: 37% on rectangle lots; 49% on cul-de-sac lots
Result: The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. The amount of hardscape (driveways from the property line to the house) within cul-de-sacs is more difficult to balance due to the pie shaped lots with smaller street frontages. Staff recommended the Commission to discuss this deviation.
6. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection (Estates)
Standard: 4' wide sidewalk between sidewalk and front entry feature
Proposed: 4' wide sidewalk between driveway and front entry feature
Staff Comment: Staff supported this deviation based on the proposed context of the planned development.

7. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Minimum Lot Size/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Minimum Lot Size (Meadows)
Standard: 6,000 sf
Proposed: 5,750 sf
Staff Comment: This deviation request falls within the Administrative Adjustment allowance of up to 5%. Staff supported this deviation.
8. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Minimum Rear Setback (Meadows)
Standard: 25'
Proposed: 20' on lots adjacent to open space
Staff Comment: Staff supported this deviation on all Meadows lots except Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 which shall meet the 25' rear yard setback minimum.
9. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Building Coverage (Meadows)
Standard: 40%
Proposed: 45% adjacent to open space
Staff Comment: Staff supported this deviation on all Meadows lots except Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 which shall meet the 40% building coverage maximum.
10. Section 17.07.040 Specific Building Type Standards Detached House- Neighborhood; Design and Performance Standards: Garage Limits (Meadows)
Standard: 25% of façade if front loaded (Counting the garage door width only)
Proposed Standard: 40% (16' garage door width)
Staff Comment: The intent of the garage limits standard is to enhance the streetscape in areas intended for more compact and walkable development, to mitigate the effect of narrow lots with frequent repetition along the block by limiting front-loaded garage access and encouraging set back garages, or side or rear access garages. It is likely the structures will be 40' wide which calculates to 40% of the building being garage door. The Planning Commission previously discussed garage limit standards as part of a potential text amendment on the Duplex building type but not on the Detached House building types. Staff recommended the Commission discuss this deviation.
11. Section 17.07.05(C) Design Standards; Neighborhood Yard; Access Width Limits (Meadows)
Standard: 15%; 20' max
Proposed: 40%; 20' max
Staff Comment: The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Some residents look for larger driveways to offset storage in the garage, though with the smaller lots, the Code anticipates the utilization of alternatives to address the access limitations. Staff recommended the Commission discuss this deviation.
12. Section 17.07.05(C) Frontage Design, Design Standards; Neighborhood Yard; Hardscape Allocation (Meadows)

Standard: 5% - 20%

Proposed: 40% on rectangular lots, 45% on cul-de-sac lots

Staff Comment: The hardscape percentage has a similar intent as the access width limit and they work together. The applicant is asking for a 20% increase on standard rectangular lots and a 25% increase on cul-de-sac lots to accommodate the larger driveway as requested in the previous deviation. A cul-de-sac lot has an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have which can have a substantial impact on that area. Staff recommended the Commission discuss this deviation.

13. Section 17.07.05(C) Frontage Design, Design Standards; Neighborhood Yard; Sidewalk Connection (Meadows)

Standard: 4' wide sidewalk between sidewalk and front entry feature

Proposed: 4' wide sidewalk between driveway and front entry feature

Staff Comment: Staff supported this deviation.

Mr. Powell concluded his presentation by inviting the Commission to discuss the deviations above that staff had requested of them, these being numbers 4, 5, 10, 11, and 12. Staff recommended approval of the rezoning and associated preliminary development plan with conditions.

Mr. Shram, Grata Development and applicant, spoke via video conferencing, presented the project as a whole entity rather than by rezoning areas for the Commission. He described the problems with the site as no access, the 66' easement for the gas line, a flight corridor and the wetlands through the project area. One of the major rear yard setback issues was to stay clear of these wetlands because of high mitigation costs and runoff issues. The commercial area is referred to as New Trails, multi-family residential is Prairie Forge and single-family residential is Prairie Trace, comprised of the Estates and the Meadows. He described the challenges of bringing utilities to the site and working with two different gas companies.

He said the reason for the large number of deviations was due to the co-mingling of two different project types, these being the narrow villas-style lots and traditional single-family lots. The same street type was used for both which dictated the same yard type. He explained they work with many builders and try to determine what these builders may construct and take the biggest house and put it on the most restrictive lot. He wanted to get all possible deviation requests before the Commission now rather than once construction began. He showed a typical Estates residence on a cul-de-sac lot and described the need for deviations. Boulder Creek, his development at 167th St and Murlen is the same type of project he wants to build in Gardner. The Meadows consists of the intermingling of different products and therefore had several deviations. The concept being requested in Gardner is 50' lots with two-car, front-facing garages. He showed examples of local subdivisions that used this same concept successfully. His market studies have shown that rear loading and side loading garages were not preferable to buyers. He cited developments in Gardner with frontage hardscapes exceeding the 40% maximum and reiterated the popularity of the product he presented.

COMMISSION DISCUSSION

Commissioner McNeer asked Mr. Schram if he was using the 50' lot width to get more lots per acre to help offset the expense of the development. He wanted to know if expense, price point, features and lifestyle were the goals.

Mr. Schram replied they were trying to create two distinct price points and wanted a different kind of feel for the area. Buffering would be needed from the retail and he did not want to do duplexes since there were already several in Gardner. He was rezoning as R-2 but putting in single-family housing with lower lot prices to keep prices down to the mid-to-high \$200,000's. The amenities would be in Phase I to serve both housing price points.

Commissioner McNeer asked if the 20' drive width on both the Estates and Meadows lots was driven by market demand.

Mr. Schram said 50' lot widths leave 7.5 feet on the driveway which is not wide enough. The market wants a 2-car garage and sharing a drive is a definite market obstacle.

Chairman Boden asked Mr. Schram if he was in agreement where staff wanted lots removed from some of the deviations or if he wanted deviations to be standard throughout the development. He referred to the deviation for the lots that did not meet the 50% requirement of being adjacent to open space and the lots that did not have enough open space behind them.

Mr. Schram replied he went through them lot by lot and some were exceptionally deep. They were not the most desirable lots being that that are internal so they would not have the biggest houses on them. He said he felt like he had pushed city staff on the lots to get as far as he had gotten and was willing to concede those lots.

Commissioner McNeer had a question regarding the 20' versus the 25' rear setback on lots that adjoin to the green space. He asked if the extra 5' was needed to fit the house footprint onto the lots.

Mr. Schram answered that it was. He takes the deepest house and puts it onto the shallowest lot to see if it could work and tries the scenarios with all of the lots. Also, covered porches are a popular feature and that is also considered in the depth of the house. Driving lots into the wetlands would mean mitigating them and add expense.

PUBLIC HEARING

No one from the public came forward to speak.

Motion to close the Public Hearing made by Hansen and seconded by McNeer.

Motion passed 7-0.

COMMISSION DISCUSSION

Commissioner McNeer asked where the reduced frontages and driveways originated in the LDC.

Mr. Powell replied the process began about four years ago in the drafting of the Land Development Code and the City was looking for ways to create the secondary market of housing. It was felt this type of development could set Gardner apart. It was reviewed by developers, real estate people, the public, and staff. It was a massive undertaking. It was well vetted by the time it made its way to the Council for adoption. Like all living documents, as things change they get reviewed with the opportunity to tweak and change them.

Commissioner McNeer asked what it would take to make changes to the LDC.

Mr. Powell replied tonight was to approve the deviations that have been requested. To change the Code, the items would be looked at on a piece by piece basis and determine the changes needed. The deviations requested on this project would only affect this project and no other. If other developers wanted changes and it was determined changes were needed to the Code, the City would go through the process to change the LDC. However, most properties will not have the issues as this particular piece of land.

Commissioner Meder was involved with the writing of the LDC and commented on the long process. She said she would not want to choose items willy-nilly to change in the Code and go through that process again. If a developer needs some changes they can go through the deviation process.

Commissioner Hansen and Chairman Boden discussed driveway widths and the deviations for clarification.

Motion made after review of applications Z-20-01, a rezoning for 136 acres from County RUR, PRB2 and PEC3 to RP-1 and RP-2 located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan PDP-20-01 for Prairie Trace and dated March 2, 2020, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

- 1. Label the following tracts and add the size in the summary tables**
 - 1. Trail tract between Estates Lot 177 and Lot 178.**
 - 2. Trail tract between Estates Lot 79 and Lot 80.**
- 2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.**
- 3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.**
- 4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.**
- 5. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.**

6. Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.
9. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.
11. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.
12. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.
13. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
14. Revise the right-of-way for 177th Street to be at least 80' in width.
15. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
16. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.
17. Accept Deviation 4 Section 17.07.05(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the Estates to be 30% maximum width and a 20' maximum at the right-of-way.

Ms. Leininger clarified with Mr. Schram that Deviation 4 for the Access Width for the Estates residential development would be as proposed at 30% for the lot width 20' maximum width at the right-of-way line.

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

Mr. Powell made a presentation on **PP-20-01**, a preliminary plat for Prairie Trace single-family development. The plat includes 356 single-family lots, right-of-way, and 25 tracts. Staff finds the plat supports various goals and policies of the Comprehensive Plan and meets an exception for the block size and connectivity for natural features. It will also meet the remainder of the LDC standards through the preliminary development plan process. The proposed phasing demonstrates logical and coordinated development and extends public utilities to the site and across the interstate to support this project and future development. Staff recommends approval of this preliminary plat with conditions.

COMMISSION DISCUSSION

The Commission had no questions nor comments.

Motion made after review of Application PP-20-01, a preliminary plat for 136 acres including 356 single-family lots located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan/preliminary plat dated March 10, 2020 and staff report dated March 24, 2020, the Planning Commission approves the application, provided the following conditions are met:

- 1. Approval of rezoning Z-20-01 and preliminary development plan PDP-20-01 for Prairie Trace.**
- 2. The preliminary plat shall be revised to be consistent with the approved preliminary development plan.**
- 3. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.**
- 4. Revise the right-of-way for 177th Street to be at least 80' in width.**
- 5. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.**
- 6. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.**

Motion made by Hansen and seconded by Ford.

Motion passed 7-0.

DISCUSSION ITEMS

No items discussed.

ADJOURNMENT

Motion to adjourn made by McNeer and seconded by Ford.

Motion passed 7-0.

Meeting adjourned at 9:27 pm